

2SHB 2055 - S COMM AMD
By Committee on Ways & Means

ADOPTED 04/10/2007

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The center for disease control estimates
4 that at least five million three hundred thousand Americans,
5 approximately two percent of the United States population, currently
6 have a long-term or lifelong need for help to perform activities of
7 daily living as a result of a traumatic brain injury. Each year
8 approximately one million four hundred thousand people in this country,
9 including children, sustain traumatic brain injuries as a result of a
10 variety of causes including falls, motor vehicle injuries, being struck
11 by an object, or as a result of an assault and other violent crimes,
12 including domestic violence. Additionally, there are significant
13 numbers of veterans who sustain traumatic brain injuries as a result of
14 their service in the military.

15 Traumatic brain injury can cause a wide range of functional changes
16 affecting thinking, sensation, language, or emotions. It can also
17 cause epilepsy and increase the risk for conditions such as Alzheimer's
18 disease, Parkinson's disease, and other brain disorders that become
19 more prevalent with age. The impact of a traumatic brain injury on the
20 individual and family can be devastating.

21 The legislature recognizes that current programs and services are
22 not funded or designed to address the diverse needs of this population.
23 It is the intent of the legislature to develop a comprehensive plan to
24 help individuals with traumatic brain injuries meet their needs. The
25 legislature also recognizes the efforts of many in the private sector
26 who are providing services and assistance to individuals with traumatic
27 brain injuries. The legislature intends to bring together those in
28 both the public and private sectors with expertise in this area to
29 address the needs of this growing population.

1 NEW SECTION. **Sec. 2.** The definitions in this section apply
2 throughout this chapter unless the context clearly requires otherwise.

3 (1) "Department" means the department of social and health
4 services.

5 (2) "Department of health" means the Washington state department of
6 health created pursuant to RCW 43.70.020.

7 (3) "Secretary" means the secretary of social and health services.

8 (4) "Traumatic brain injury" means injury to the brain caused by
9 physical trauma resulting from, but not limited to, incidents involving
10 motor vehicles, sporting events, falls, and physical assaults.
11 Documentation of traumatic brain injury shall be based on adequate
12 medical history, neurological examination, mental status testing, or
13 neuropsychological evaluation. A traumatic brain injury shall be of
14 sufficient severity to result in impairments in one or more of the
15 following areas: Cognition; language memory; attention; reasoning;
16 abstract thinking; judgment; problem solving; sensory, perceptual, and
17 motor abilities; psychosocial behavior; physical functions; or
18 information processing. The term does not apply to brain injuries that
19 are congenital or degenerative, or to brain injuries induced by birth
20 trauma.

21 (5) "Traumatic brain injury account" means the account established
22 under section 7 of this act.

23 (6) "Council" means the Washington traumatic brain injury strategic
24 partnership advisory council created under section 3 of this act.

25 NEW SECTION. **Sec. 3.** (1) The Washington traumatic brain injury
26 strategic partnership advisory council is established as an advisory
27 council to the governor, the legislature, and the secretary of the
28 department of social and health services.

29 (2) The council shall be composed of the following members who
30 shall be appointed by the governor:

31 (a) The secretary or the secretary's designee, and representatives
32 from the following: Children's administration, mental health division,
33 aging and disability services administration, and vocational
34 rehabilitation;

35 (b) The executive director of a state brain injury association;

36 (c) A representative from a nonprofit organization serving
37 individuals with traumatic brain injury;

- 1 (d) The secretary of the department of health or the secretary's
2 designee;
- 3 (e) The secretary of the department of corrections or the
4 secretary's designee;
- 5 (f) A representative of the department of community, trade, and
6 economic development;
- 7 (g) A representative from an organization serving veterans;
- 8 (h) A representative from the national guard;
- 9 (i) A representative of a Native American tribe located in
10 Washington;
- 11 (j) The executive director of the Washington protection and
12 advocacy system;
- 13 (k) A neurologist who has experience working with individuals with
14 traumatic brain injuries;
- 15 (l) A neuropsychologist who has experience working with persons
16 with traumatic brain injuries;
- 17 (m) A social worker or clinical psychologist who has experience in
18 working with persons who have sustained traumatic brain injuries;
- 19 (n) A rehabilitation specialist, such as a speech pathologist,
20 vocational rehabilitation counselor, occupational therapist, or
21 physical therapist who has experience working with persons with
22 traumatic brain injuries;
- 23 (o) Two persons who are individuals with a traumatic brain injury;
- 24 (p) Two persons who are family members of individuals with
25 traumatic brain injuries; and
- 26 (q) Two members of the public who have experience with issues
27 related to the causes of traumatic brain injuries.
- 28 (3) Council members shall not be compensated for serving on the
29 council, but may be reimbursed for all reasonable expenses related to
30 costs incurred in participating in meetings for the council.
- 31 (4) Initial appointments to the council shall be made by July 30,
32 2007. The terms of appointed council members shall be three years,
33 except that the terms of the appointed members who are initially
34 appointed shall be staggered by the governor to end as follows:
- 35 (a) Four members on June 30, 2008;
- 36 (b) Three members on June 30, 2009; and
- 37 (c) Three members on June 30, 2010.
- 38 (5) No member may serve more than two consecutive terms.

1 (6) The appointed members of the council shall, to the extent
2 possible, represent rural and urban areas of the state.

3 (7) A chairperson shall be elected every two years by majority vote
4 from among the council members. The chairperson shall act as the
5 presiding officer of the council.

6 (8) The duties of the council include:

7 (a) Collaborating with the department to develop a comprehensive
8 statewide plan to address the needs of individuals with traumatic brain
9 injuries;

10 (b) By November 1, 2007, providing recommendations to the
11 department on criteria to be used to select programs facilitating
12 support groups for individuals with traumatic brain injuries and their
13 families under section 6 of this act;

14 (c) By December 1, 2007, submitting a report to the legislature and
15 the governor on the following:

16 (i) The development of a comprehensive statewide information and
17 referral network for individuals with traumatic brain injuries;

18 (ii) The development of a statewide registry to collect data
19 regarding individuals with traumatic brain injuries, including the
20 potential to utilize the department of information services to develop
21 the registry;

22 (iii) The efforts of the department to provide services for
23 individuals with traumatic brain injuries;

24 (d) By December 30, 2007, reviewing the preliminary comprehensive
25 statewide plan developed by the department to meet the needs of
26 individuals with traumatic brain injuries as required in section 4 of
27 this act and submitting a report to the legislature and the governor
28 containing comments and recommendations regarding the plan.

29 (9) The council may utilize the advice or services of a nationally
30 recognized expert, or other individuals as the council deems
31 appropriate, to assist the council in carrying out its duties under
32 this section.

33 NEW SECTION. **Sec. 4.** (1) By July 30, 2007, the department shall
34 designate a staff person who shall be responsible for the following:

35 (a) Coordinating policies, programs, and services for individuals
36 with traumatic brain injuries; and

1 (b) Providing staff support to the council created in section 3 of
2 this act.

3 (2) The department shall provide data and information to the
4 council established under section 3 of this act that is requested by
5 the council and is in the possession or control of the department.

6 (3) By December 1, 2007, the department shall provide a preliminary
7 report to the legislature and the governor, and shall provide a final
8 report by December 1, 2008, containing recommendations for a
9 comprehensive statewide plan to address the needs of individuals with
10 traumatic brain injuries, including the use of public-private
11 partnerships and a public awareness campaign. The comprehensive plan
12 should be created in collaboration with the council and should consider
13 the following:

14 (a) Building provider capacity and provider training;

15 (b) Improving the coordination of services;

16 (c) The feasibility of establishing agreements with private sector
17 agencies to develop services for individuals with traumatic brain
18 injuries; and

19 (d) Other areas the council deems appropriate.

20 (4) By December 1, 2007, the department shall:

21 (a) Provide information and referral services to individuals with
22 traumatic brain injuries until the statewide referral and information
23 network is developed. The referral services may be funded from the
24 traumatic brain injury account established under section 7 of this act;
25 and

26 (b) Encourage and facilitate the following:

27 (i) Collaboration among state agencies that provide services to
28 individuals with traumatic brain injuries;

29 (ii) Collaboration among organizations and entities that provide
30 services to individuals with traumatic brain injuries; and

31 (iii) Community participation in program implementation.

32 (5) By December 1, 2007, and by December 1st each year thereafter,
33 the department shall issue a report to the governor and the legislature
34 containing the following:

35 (a) A summary of action taken by the department to meet the needs
36 of individuals with traumatic brain injuries; and

37 (b) Recommendations for improvements in services to address the
38 needs of individuals with traumatic brain injuries.

1 NEW SECTION. **Sec. 5.** By December 1, 2007, in collaboration with
2 the council, the department shall institute a public awareness campaign
3 that utilizes funding from the traumatic brain injury account to
4 leverage a private advertising campaign to persuade Washington
5 residents to be aware and concerned about the issues facing individuals
6 with traumatic brain injuries through all forms of media including
7 television, radio, and print.

8 NEW SECTION. **Sec. 6.** (1) By March 1, 2008, the department shall
9 provide funding to programs that facilitate support groups to
10 individuals with traumatic brain injuries and their families.

11 (2) The department shall use a request for proposal process to
12 select the programs to receive funding. The council shall provide
13 recommendations to the department on the criteria to be used in
14 selecting the programs.

15 (3) The programs shall be funded solely from the traumatic brain
16 injury account established in section 7 of this act, to the extent that
17 funds are available.

18 NEW SECTION. **Sec. 7.** A new section is added to chapter 46.20 RCW
19 to read as follows:

20 The traumatic brain injury account is created in the state
21 treasury. Two dollars of the fee imposed under RCW 46.63.110(7)(b)
22 must be deposited into the account. Moneys in the account may be spent
23 only after appropriation, and may be used only to provide a public
24 awareness campaign and services relating to traumatic brain injury
25 under sections 5 and 6 of this act, for information and referral
26 services, and for costs of required department staff who are providing
27 support for the council and information and referral services under
28 sections 3 and 4 of this act. The secretary of the department of
29 social and health services has the authority to administer the funds.

30 **Sec. 8.** RCW 46.63.110 and 2005 c 413 s 2 are each amended to read
31 as follows:

32 (1) A person found to have committed a traffic infraction shall be
33 assessed a monetary penalty. No penalty may exceed two hundred and
34 fifty dollars for each offense unless authorized by this chapter or
35 title.

1 (2) The monetary penalty for a violation of (a) RCW 46.55.105(2) is
2 two hundred fifty dollars for each offense; (b) RCW 46.61.210(1) is
3 five hundred dollars for each offense. No penalty assessed under this
4 subsection (2) may be reduced.

5 (3) The supreme court shall prescribe by rule a schedule of
6 monetary penalties for designated traffic infractions. This rule shall
7 also specify the conditions under which local courts may exercise
8 discretion in assessing fines and penalties for traffic infractions.
9 The legislature respectfully requests the supreme court to adjust this
10 schedule every two years for inflation.

11 (4) There shall be a penalty of twenty-five dollars for failure to
12 respond to a notice of traffic infraction except where the infraction
13 relates to parking as defined by local law, ordinance, regulation, or
14 resolution or failure to pay a monetary penalty imposed pursuant to
15 this chapter. A local legislative body may set a monetary penalty not
16 to exceed twenty-five dollars for failure to respond to a notice of
17 traffic infraction relating to parking as defined by local law,
18 ordinance, regulation, or resolution. The local court, whether a
19 municipal, police, or district court, shall impose the monetary penalty
20 set by the local legislative body.

21 (5) Monetary penalties provided for in chapter 46.70 RCW which are
22 civil in nature and penalties which may be assessed for violations of
23 chapter 46.44 RCW relating to size, weight, and load of motor vehicles
24 are not subject to the limitation on the amount of monetary penalties
25 which may be imposed pursuant to this chapter.

26 (6) Whenever a monetary penalty, fee, cost, assessment, or other
27 monetary obligation is imposed by a court under this chapter it is
28 immediately payable. If the court determines, in its discretion, that
29 a person is not able to pay a monetary obligation in full, and not more
30 than one year has passed since the later of July 1, 2005, or the date
31 the monetary obligation initially became due and payable, the court
32 shall enter into a payment plan with the person, unless the person has
33 previously been granted a payment plan with respect to the same
34 monetary obligation, or unless the person is in noncompliance of any
35 existing or prior payment plan, in which case the court may, at its
36 discretion, implement a payment plan. If the court has notified the
37 department that the person has failed to pay or comply and the person
38 has subsequently entered into a payment plan and made an initial

1 payment, the court shall notify the department that the infraction has
2 been adjudicated, and the department shall rescind any suspension of
3 the person's driver's license or driver's privilege based on failure to
4 respond to that infraction. "Payment plan," as used in this section,
5 means a plan that requires reasonable payments based on the financial
6 ability of the person to pay. The person may voluntarily pay an amount
7 at any time in addition to the payments required under the payment
8 plan.

9 (a) If a payment required to be made under the payment plan is
10 delinquent or the person fails to complete a community restitution
11 program on or before the time established under the payment plan,
12 unless the court determines good cause therefor and adjusts the payment
13 plan or the community restitution plan accordingly, the court shall
14 notify the department of the person's failure to meet the conditions of
15 the plan, and the department shall suspend the person's driver's
16 license or driving privilege until all monetary obligations, including
17 those imposed under subsections (3) and (4) of this section, have been
18 paid, and court authorized community restitution has been completed, or
19 until the department has been notified that the court has entered into
20 a new time payment or community restitution agreement with the person.

21 (b) If a person has not entered into a payment plan with the court
22 and has not paid the monetary obligation in full on or before the time
23 established for payment, the court shall notify the department of the
24 delinquency. The department shall suspend the person's driver's
25 license or driving privilege until all monetary obligations have been
26 paid, including those imposed under subsections (3) and (4) of this
27 section, or until the person has entered into a payment plan under this
28 section.

29 (c) If the payment plan is to be administered by the court, the
30 court may assess the person a reasonable administrative fee to be
31 wholly retained by the city or county with jurisdiction. The
32 administrative fee shall not exceed ten dollars per infraction or
33 twenty-five dollars per payment plan, whichever is less.

34 (d) Nothing in this section precludes a court from contracting with
35 outside entities to administer its payment plan system. When outside
36 entities are used for the administration of a payment plan, the court
37 may assess the person a reasonable fee for such administrative

1 services, which fee may be calculated on a periodic, percentage, or
2 other basis.

3 (e) If a court authorized community restitution program for
4 offenders is available in the jurisdiction, the court may allow
5 conversion of all or part of the monetary obligations due under this
6 section to court authorized community restitution in lieu of time
7 payments if the person is unable to make reasonable time payments.

8 (7) In addition to any other penalties imposed under this section
9 and not subject to the limitation of subsection (1) of this section, a
10 person found to have committed a traffic infraction shall be assessed:

11 (a) A fee of five dollars per infraction. Under no circumstances
12 shall this fee be reduced or waived. Revenue from this fee shall be
13 forwarded to the state treasurer for deposit in the emergency medical
14 services and trauma care system trust account under RCW 70.168.040; and

15 (b) A fee of two dollars per infraction. Revenue from this fee
16 shall be forwarded to the state treasurer for deposit in the traumatic
17 brain injury account established in section 7 of this act.

18 (8)(a) In addition to any other penalties imposed under this
19 section and not subject to the limitation of subsection (1) of this
20 section, a person found to have committed a traffic infraction other
21 than of RCW 46.61.527 shall be assessed an additional penalty of twenty
22 dollars. The court may not reduce, waive, or suspend the additional
23 penalty unless the court finds the offender to be indigent. If a court
24 authorized community restitution program for offenders is available in
25 the jurisdiction, the court shall allow offenders to offset all or a
26 part of the penalty due under this subsection (8) by participation in
27 the court authorized community restitution program.

28 (b) Eight dollars and fifty cents of the additional penalty under
29 (a) of this subsection shall be remitted to the state treasurer. The
30 remaining revenue from the additional penalty must be remitted under
31 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
32 under this subsection to the state treasurer must be deposited as
33 provided in RCW 43.08.250. The balance of the revenue received by the
34 county or city treasurer under this subsection must be deposited into
35 the county or city current expense fund. Moneys retained by the city
36 or county under this subsection shall constitute reimbursement for any
37 liabilities under RCW 43.135.060.

1 (9) If a legal proceeding, such as garnishment, has commenced to
2 collect any delinquent amount owed by the person for any penalty
3 imposed by the court under this section, the court may, at its
4 discretion, enter into a payment plan.

5 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two
6 hundred fifty dollars for the first violation; (b) five hundred dollars
7 for the second violation; and (c) seven hundred fifty dollars for each
8 violation thereafter.

9 **Sec. 9.** RCW 43.84.092 and 2006 c 337 s 11, 2006 c 311 s 23, 2006
10 c 171 s 10, 2006 c 56 s 10, and 2006 c 6 s 8 are each reenacted and
11 amended to read as follows:

12 (1) All earnings of investments of surplus balances in the state
13 treasury shall be deposited to the treasury income account, which
14 account is hereby established in the state treasury.

15 (2) The treasury income account shall be utilized to pay or receive
16 funds associated with federal programs as required by the federal cash
17 management improvement act of 1990. The treasury income account is
18 subject in all respects to chapter 43.88 RCW, but no appropriation is
19 required for refunds or allocations of interest earnings required by
20 the cash management improvement act. Refunds of interest to the
21 federal treasury required under the cash management improvement act
22 fall under RCW 43.88.180 and shall not require appropriation. The
23 office of financial management shall determine the amounts due to or
24 from the federal government pursuant to the cash management improvement
25 act. The office of financial management may direct transfers of funds
26 between accounts as deemed necessary to implement the provisions of the
27 cash management improvement act, and this subsection. Refunds or
28 allocations shall occur prior to the distributions of earnings set
29 forth in subsection (4) of this section.

30 (3) Except for the provisions of RCW 43.84.160, the treasury income
31 account may be utilized for the payment of purchased banking services
32 on behalf of treasury funds including, but not limited to, depository,
33 safekeeping, and disbursement functions for the state treasury and
34 affected state agencies. The treasury income account is subject in all
35 respects to chapter 43.88 RCW, but no appropriation is required for
36 payments to financial institutions. Payments shall occur prior to
37 distribution of earnings set forth in subsection (4) of this section.

1 (4) Monthly, the state treasurer shall distribute the earnings
2 credited to the treasury income account. The state treasurer shall
3 credit the general fund with all the earnings credited to the treasury
4 income account except:

5 (a) The following accounts and funds shall receive their
6 proportionate share of earnings based upon each account's and fund's
7 average daily balance for the period: The capitol building
8 construction account, the Cedar River channel construction and
9 operation account, the Central Washington University capital projects
10 account, the charitable, educational, penal and reformatory
11 institutions account, the Columbia river basin water supply development
12 account, the common school construction fund, the county criminal
13 justice assistance account, the county sales and use tax equalization
14 account, the data processing building construction account, the
15 deferred compensation administrative account, the deferred compensation
16 principal account, the department of retirement systems expense
17 account, the developmental disabilities community trust account, the
18 drinking water assistance account, the drinking water assistance
19 administrative account, the drinking water assistance repayment
20 account, the Eastern Washington University capital projects account,
21 the education construction fund, the education legacy trust account,
22 the election account, the emergency reserve fund, the energy freedom
23 account, The Evergreen State College capital projects account, the
24 federal forest revolving account, the freight mobility investment
25 account, the freight mobility multimodal account, the health services
26 account, the public health services account, the health system capacity
27 account, the personal health services account, the state higher
28 education construction account, the higher education construction
29 account, the highway infrastructure account, the high-occupancy toll
30 lanes operations account, the industrial insurance premium refund
31 account, the judges' retirement account, the judicial retirement
32 administrative account, the judicial retirement principal account, the
33 local leasehold excise tax account, the local real estate excise tax
34 account, the local sales and use tax account, the medical aid account,
35 the mobile home park relocation fund, the multimodal transportation
36 account, the municipal criminal justice assistance account, the
37 municipal sales and use tax equalization account, the natural resources
38 deposit account, the oyster reserve land account, the pension funding

1 stabilization account, the perpetual surveillance and maintenance
2 account, the public employees' retirement system plan 1 account, the
3 public employees' retirement system combined plan 2 and plan 3 account,
4 the public facilities construction loan revolving account beginning
5 July 1, 2004, the public health supplemental account, the public works
6 assistance account, the Puyallup tribal settlement account, the real
7 estate appraiser commission account, the regional mobility grant
8 program account, the resource management cost account, the rural
9 Washington loan fund, the site closure account, the small city pavement
10 and sidewalk account, the special wildlife account, the state
11 employees' insurance account, the state employees' insurance reserve
12 account, the state investment board expense account, the state
13 investment board commingled trust fund accounts, the supplemental
14 pension account, the Tacoma Narrows toll bridge account, the teachers'
15 retirement system plan 1 account, the teachers' retirement system
16 combined plan 2 and plan 3 account, the tobacco prevention and control
17 account, the tobacco settlement account, the transportation
18 infrastructure account, the transportation partnership account, the
19 traumatic brain injury account, the tuition recovery trust fund, the
20 University of Washington bond retirement fund, the University of
21 Washington building account, the volunteer fire fighters' and reserve
22 officers' relief and pension principal fund, the volunteer fire
23 fighters' and reserve officers' administrative fund, the Washington
24 fruit express account, the Washington judicial retirement system
25 account, the Washington law enforcement officers' and fire fighters'
26 system plan 1 retirement account, the Washington law enforcement
27 officers' and fire fighters' system plan 2 retirement account, the
28 Washington public safety employees' plan 2 retirement account, the
29 Washington school employees' retirement system combined plan 2 and 3
30 account, the Washington state health insurance pool account, the
31 Washington state patrol retirement account, the Washington State
32 University building account, the Washington State University bond
33 retirement fund, the water pollution control revolving fund, and the
34 Western Washington University capital projects account. Earnings
35 derived from investing balances of the agricultural permanent fund, the
36 normal school permanent fund, the permanent common school fund, the
37 scientific permanent fund, and the state university permanent fund
38 shall be allocated to their respective beneficiary accounts. All

1 earnings to be distributed under this subsection (4)(a) shall first be
2 reduced by the allocation to the state treasurer's service fund
3 pursuant to RCW 43.08.190.

4 (b) The following accounts and funds shall receive eighty percent
5 of their proportionate share of earnings based upon each account's or
6 fund's average daily balance for the period: The aeronautics account,
7 the aircraft search and rescue account, the county arterial
8 preservation account, the department of licensing services account, the
9 essential rail assistance account, the ferry bond retirement fund, the
10 grade crossing protective fund, the high capacity transportation
11 account, the highway bond retirement fund, the highway safety account,
12 the motor vehicle fund, the motorcycle safety education account, the
13 pilotage account, the public transportation systems account, the Puget
14 Sound capital construction account, the Puget Sound ferry operations
15 account, the recreational vehicle account, the rural arterial trust
16 account, the safety and education account, the special category C
17 account, the state patrol highway account, the transportation 2003
18 account (nickel account), the transportation equipment fund, the
19 transportation fund, the transportation improvement account, the
20 transportation improvement board bond retirement account, and the urban
21 arterial trust account.

22 (5) In conformance with Article II, section 37 of the state
23 Constitution, no treasury accounts or funds shall be allocated earnings
24 without the specific affirmative directive of this section.

25 NEW SECTION. **Sec. 10.** Sections 1 through 6 of this act constitute
26 a new chapter in Title 74 RCW.

27 NEW SECTION. **Sec. 11.** This act may be known and cited as the
28 Tommy Manning act."

ADOPTED 04/10/2007

1 On page 1, line 1 of the title, after "injury;" strike the
2 remainder of the title and insert "amending RCW 46.63.110; reenacting
3 and amending RCW 43.84.092; adding a new section to chapter 46.20 RCW;
4 adding a new chapter to Title 74 RCW; and creating a new section."

EFFECT: Makes the identical changes to the bill as the striking amendment adopted by the Health and Long-Term Care Committee, except that it allows DSHS staffing and support costs to be covered by the Traumatic Brain Injury Account, like the underlying house bill.

Fiscal Impact: Removes any impact to General Fund--State. All items would be covered by the dedicated revenues from traffic infractions in the newly established Traumatic Brain Injury Account.

--- END ---